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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/378,159
Filing Date: August 19, 1999
Appellant(s): PATTON ET AL.

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GROUP 3600

Frank Pincelli (Reg. No. 27,370)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 19 July 2007 appealing from the Office
action mailed 07 August 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

- Information on US Postal Service, 1997 – 1999
- Stephens, Glen, "Mug Shot Stamps From Australia Post", copyright 1999
- Brackney, M J, "Design A Postage Stamp For Black History Month",
copyright 1998
- "Information on Microsoft Paint", Microsoft Paint product was commercially
available from Microsoft with Windows 95, 98, pages were printed on 16
December 2002.

5,923,406	BRASINGTON et al.	1999
5819240	KARA	1998
5978772	MOLD	1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1–4, 6–12, 15–26 and 28–32, 34–51, 54 and 55 are rejected under 35 USC 103(a) as being unpatentable over United States Postal Service hereinafter known as USPS in view of an article by Glen Stephens teaching personalized postage stamps at Australia 99 World Stamps Expo hereinafter known as Stephens, and further in view of an article by Marilyn J. Brackney hereinafter known as Brackney and Brasington et al. US Patent 5,923,406 hereinafter known as Brasington.

Regarding claims 1, 32, 42 and 49 – 50, USPS discloses system and method for ordering a Official Postal Stamp. USPS discloses a central authorizing computer system for communicating with remote ordering system over a communication network, it is obvious that USPS computer system has a computer program for allowing customers to order Official Postal Stamp.

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USPS does not disclose ordering customized postal stamp. Stephens teaches that on 19-24 March 1999 at "Australia 99" World Stamp Expo, audience could purchase a sheet of 10 stamps of personalized postage stamps. Also, Stephen teaches the idea of ordering customized postage stamp by customers providing their image to the postal authority [Stephen, page 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify USPS as taught by Stephen to produce postally valid customized stamp [Stephen, page 1].

Stephens teaches display device for displaying information on a user interface and data entry mean for getting input from user for enabling a user to communicate with the system (After graphic manipulation through iMacs using customized software, the image was printed on perforated gummed stamps) [Stephen, page 2].

Neither USPS nor Stephens explicitly teaches allowing customers to forward image to the issuing authority. However, Stephen teaches the idea of Postal Authority providing official stamps using the images provided by the customer. Brackney teaches system and method wherein designers create an image for postal stamp which can be electronically transferred to the postal authority for incorporation in an official postal stamp. Brackney discloses that image can be transferred in electronic form [Brackney, page 2, email the image].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify USPS in view of Stephens as taught by

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Brackney to allow customers to provide images to the postal authority to order personalized postage stamps from the postal authority.

USPS in view of Stephens teaches customizing a postal stamp at a remote ordering system (using customized software on iMacs images can be manipulated) [Stephens, page 2].

USPS in view of Stephens does not explicitly teach user provided image being incorporated as an integral part of said official postal stamp. However, Stephens teaches connected (undivided) official postal stamp. Stephens teaches customized stamp is postally valid while attached. Brasington teaches system and method for user providing an image for incorporation as an integral part of postal stamp (providing personalized postage stamp) [Fig. 5].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify USPS in view of Stephens as taught by Brasington to produce a postal stamp which does not break off and lose its collector item value.

USPS in view of Stephens, Brackney and Brasington teaches ordering of customized postal stamp at remote ordering system based on instructions and user selections options provided by central authorizing system (as responded to earlier Brackney and Stephens teaches stamps can be customized and USPS teaches stamps can be ordered over a communication network)

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Regarding claim 2, it would have been obvious to one of ordinary skill in the art at the time the invention was made that USPS in view of Stephens, Brackney and Brasington teaches remote ordering system comprises a microprocessor having communication software to be able to communicate with USPS over the communication network.

Regarding claim 3, USPS in view of Stephens, Brackney and Brasington teaches at least on remote ordering system comprises a personal computer (iMacs) [Stephens, page 2].

Regarding claim 4, USPS in view of Stephens, Brackney and Brasington teaches instruction on how to modify (create) and image for use on postal stamp (e.g FAQ, Help etc.) [Brackney, page 1, 2].

Regarding claim 6, USPS in view of Stephens, Brackney and Brasington teaches capability for information to include list of acceptable criteria of image content (appellant is claiming text as their invention).

USPS discloses acceptable criteria for image content of images that can be used on official postal stamp. Brackney discloses that USPS has Criteria For Stamp Subject Selection [Brackney, page 2, pp 3].

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Regarding claim 7, USPS in view of Stephens, Brackney and Brasington teaches customers can order of plurality of images already available from USPS for customers to select to place an order for postal stamp [USPS, page 14].

Regarding claims 8, 38 and 48, As responded to earlier in response to claims 1, 32, 42 and 49 – 50, USPS in view of Stephens, Brackney and Brasington teaches uploading of image from a remote location.

Regarding claim 9 – 10 and 45, As responded to earlier in response to claims 1, 32, 42 and 49 – 50, USPS in view of Stephens, Brackney and Brasington teaches allowing customization (manipulation) of images from a remote ordering system (iMac) [Stephens, page 2].

Regarding claims 11 – 12, As responded to earlier in response to claims 1, 7–10, 32, 42 and 49–50, USPS in view of Stephens, Brackney and Brasington teaches capability for modifying the shape, size, color, or orientation of the said image (for example, within the guidelines of the post office).

Regarding claim 15, USPS in view of Stephens, Brackney and Brasington teaches denominations for postal stamps (USPS sells stamps with plurality of denominations, Stephens disclose Australia Post issuing a sheet of 10 personalized postage stamps of 45 cents each).

Regarding claim 16, USPS in view of Stephens, Brackney and Brasington teaches modification of denomination in accordance of revised postal rates (obvious that USPS sells postal stamps with revised postal rates to ensure that their customers pay postal rates in accordance to the current postal rates, for example, when the postal rates increases, new stamps issued are sold at then current postal rates by the USPS).

Regarding claims 17 and 34, USPS in view of Stephens, Brackney and Brasington teaches that customers can purchase postal stamps online. It is obvious that online shopping has electronic order form for completion at remote ordering system) [USPS page 5, 14].

Regarding claim 18, USPS in view of Stephens, Brackney and Brasington does not explicitly teach providing notification when order form has been properly filled in. However, it would have been obvious to one of ordinary skill in the art at the time invention was made that in an online shopping environment, vendors provide notification to customers to inform them that their transaction has been accepted.

Regarding claim 19-21, as responded to earlier in response to claims 17-18, it is obvious that in an online selling environment, USPS in view of Stephens, Brackney and Brasington teaches electronic form to include providing of payment, contact information, etc. (appellant is claiming content of a web page as their invention).

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Regarding claims 22–23, 35–36, 44 and 46, as responded to earlier in response to claims 17-18, it is obvious that in an online selling environment, USPS in view of Stephens, Brackney and Brasington teaches creating a receipt of order form.

Regarding claims 23, 36 and 46, as responded to earlier in response to claims 17-18, it is obvious that in an online selling environment, USPS in view of Stephens, Brackney and Brasington has capability for receipt to include customer order identification.

Regarding claim 24, as responded to earlier in response to claims 17-23, it is obvious that in an online selling environment a vendor is know to send update status of an online order to keep their customers informed about their order.

Regarding claim 25, as responded to earlier in response to claims 17-24, it is obvious that in an online selling environment, USPS in view of Stephens, Brackney and Brasington teaches capability for user to input identification number from the receipt as as indication of a customer accepting the placing of the order (for example, click “accept”, type “yes” etc. as other indications of a customer accepting the placing of the order.

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Regarding claim 26, as responded to earlier in response to claims 17-25, USPS in view of Stephens, Brackney and Brasington teaches to have printing device to print the postal stamps.

Regarding claim 28, as responded to earlier in response to claims 1, 8, it is obvious that USPS in view of Stephens, Brackney and Brasington teaches capability for combining image with prestored image.

Regarding claim 29–31 and 51, as responded to earlier in response to claims 1, 6, it is obvious that USPS in view of Stephens, Brackney and Brasington teaches capability for manipulation of image for use on postal stamp [see Stephens].

Regarding claims 37 and 47, as responded to earlier in response to claim 32, it is obvious that USPS in view of Stephens, Brackney and Brasington teaches capability for allowing a customer reviewing image at remote computer system prior to uploading image to said central authorizing computer system.

Regarding claim 39, USPS in view of Stephens, Brackney and Brasington teaches obtaining approval to use the image on a postal stamp.

Regarding claim 40, USPS in view of Stephens, Brackney and Brasington teaches printing of postage stamp after obtaining approval from authorizing computer system.

Regarding claim 41, USPS in view of Stephens, Brackney and Brasington teaches to determine if approval to use image has been obtained.

Regarding claim 43, USPS in view of Stephens, Brackney and Brasington teaches ordering of postal stamp based on instructions and selection provided by central authorizing system (USPS system).

Regarding claim 54, as responded to earlier in response to claims 1–4, 6–26 and 28–31, USPS in view of Stephens, Brackney and Brasington teaches a central authorizing computer system for communicating with at least one remote ordering system having a display device and data entry means for ordering a custom official postal stamp over a communication network, said central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for display on said display device and allowing customizing and ordering of an official postal stamp by a user from said at least one remote ordering system, said central authorizing computer system having at least one image provided by said user that can be used in a custom official postal stamp, means for manipulation

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or use of at least a portion of the prestored image for use on said custom official postal stamp.

Regarding claims 55, as responded to earlier in response to claims 1–4, 6–26 and 28–31, USPS in view of Stephens, Brackney and Brasington teaches a central authorizing computer system for communicating with at least one remote ordering system having a display device and data entry means for ordering a custom official postal stamp over a communication network, said central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for display on said display device and allowing a user to customize and order an official postal stamp from said at least one remote ordering system, said central authorizing computer system having at least one prestored image that can be used in a custom official postal stamp, means for using at least a portion of the prestored image for use on said custom official postal stamp thereby eliminating the need to obtain content approval before producing of said official postal stamp.

Claims 13 – 14 are rejected under 35 USC 103(a) as being unpatentable over United States Postal Service hereinafter known as USPS in view of an article by Glen Stephens teaching personalized postage stamps at Australia 99 World Stamps Expo hereinafter known as Stephens, and further in view of an article by Marilyn J. Brackney

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hereinafter known as Brackney, Brasington et al. US Patent 5,923,406 hereinafter known as Brasington and Kara US Patent 5,819,240.

Regarding claims 13 – 14, USPS discloses text on postal stamps. USPS in view of Stephens, Brackney and Brasington does not explicitly teach providing of text on postal stamp. However, Kara teaches capability wherein user can personalize postage indicia. In addition, the user is provided with a message box to allow the user to add an optional message or greeting (e.g., "Happy Holidays") to be printed next to the meter stamp.

Therefore, it would have been obvious to one of ordinary skill in the art to modify USPS in view of Stephens, Brackney and Brasington as taught by Kara to allow users to print personalized message on postal stamp.

Claim 52 – 53 are rejected under 35 USC 103(a) as being unpatentable over United States Postal Service hereinafter known as USPS in view of an article by Glen Stephens teaching personalized postage stamps at Australia 99 World Stamps Expo hereinafter known as Stephens, and further in view of an article by Marilyn J. Brackney hereinafter known as Brackney, Microsoft Paint, Brasington et al. US Patent 5,923,406 hereinafter known as Brasington and Mold US Patent 5,9978,772.

Regarding claims 52 – 53, as responded to earlier in response to claims 1–4, 6–26 and 28–31, USPS in view of Stephens, Brackney and Brasington teaches a central

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authorizing computer system for communicating with at least one remote ordering system having a display device and data entry means for ordering a custom official postal stamp over a communication network, said central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for allowing customizing of an official postal stamp by a user from said at least one remote ordering system for display on said display device and allowing customizing of an official postal stamp by a use from said atleast one remote ordering system, means for manipulation of the image by the user for incorporation as an integral part of custom official postal stamp, for placement of an order with said essential authorizing computer. USPS in view of Stephens, Brackney and Brasington does not teach means for producing an order receipt of said order of said custom postal stamp, said receipt having a identification bar code thereon. However, Mold teaches a receipt with the barcode printed on a receipt.

Therefore, it is known at the time of invention to a person with ordinary skill in the art to modify USPS in view of Stephens, Brackney and Brasington as taught by Mold and print barcode on the receipt to expedite the sales process by minimizing the customer service representative or the customer to manually enter the order number for checking the status, picking up the order etc.

It is obvious that a barcode reader is required to read the barcode.

(10) Response to Argument

In response to appellant's argument that appellant invention provides a high quality image on official postal products having the required quality characteristics and contents standards. That is, meeting the requirements of what can and cannot be put on a postal product and also allowing easy and convenient customizing of postal products that can be readily obtained remotely by a customer, that is the customer can over a communication network from a first ordering terminal to central authorizing computer customize an official postal product to incorporate customer supplied image or pre-approved image that has been provided by the U.S. Postal Service.

Appellant is arguing a limitation not positively claimed by the appellant [for example, see Claim 1]. Appellant claimed invention merely forwards information to remote ordering system. This information can be guidelines also. Appellant has not positively claimed user central authorizing computer system forwarding user interface or a program which a user will be using for customizing an Official Postal Stamp. In addition there is not claimed invention for user provided with pre-approved image for the user to make their selection from. Cited reference Stephens clearly shows user providing image for incorporation as a part of official postal stamp.

In response to appellant's argument that cited references does not disclose, explicitly or inherently, a central authorizing computer system having a computer program for allowing customizing of an official postal stamp by a user from said at least

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one remote ordering system. Nor does USPS teach or suggest allowing authorization of official postal stamp incorporating a user provided image. Also, there is no teaching in Stephens that the online site is capable of receiving information to allow customizing.

However, as responded to earlier, appellant has not claimed the invention of providing an interface or program which the user uses for customizing image to be incorporated in an official postal stamp. Appellant's claimed invention is merely forwarding information to remote ordering system. This information can be guidelines also.

In response to appellant's argument that cited reference do not teach information allowing authorization of the official postal stamp.

However, appellant is arguing a limitation not claimed by the appellant. For example, see claim 1, there is no claimed limitation for allowing authorization of the official postal stamp.

In response to appellant's argument cited reference Stephens discloses that digital images of collectors, captured by a digital camera, are printed on pre-printed and perforated gummed stamps. See page 2 of 4. Stephens's system does not disclose, explicitly or inherently, a central authorizing computer system for forwarding information to at least one remote ordering system for allowing customizing of official postage stamps. A central authorizing computer system that capable of forwarding information to allow customizing, authorization and ordering of an official postage stamp by a user

from at least one remote ordering system incorporating a user image, is not inherently present or suggested in Stephens.

However, as responded to earlier, appellant's claimed invention is merely forwarding information to a remote ordering system. Appellant's claimed invention does not forward user interface or program which a user can use for customizing of postage stamps.

In response to appellant's argument cited reference Brackney does not teach ordering of customized postal stamps.

However, once again appellant is arguing a limitation not claimed by the appellant. For example, there is no claimed limitation of user placing an order for customized postage stamp.

In response to appellant's argument that cited references do not teach either the data center or the postal authority to forward information to at least one remote ordering system for display on a display device and allowing customizing and authorization of an official postal stamp by a user from said at least one remote ordering system as claimed by Appellants.

However, as responded to earlier, appellant's claimed invention is merely forwarding information to a remote ordering system. Appellant's claimed invention does not forward user interface or program which a user can use for customizing of postage stamps.

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In response to appellant's argument that for Claims 13 and 14 which claim dependency on claim 1, cited reference Kara does not provide information over the communication network.

However, claims 13 and 14 are directed of customizing of postage stamp by user providing text for customization. Kara clearly teaches capability for user providing text for customizing postal stamps [see Fig. 7, 716].

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

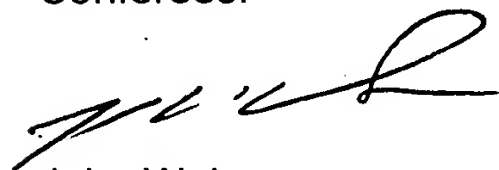
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Naresh Vig

Conferees:



John Weiss



Vincent Millin